

REMARKS

Claims 1-20 are pending in this application after this amendment. Claims 1, 7-9 and 11 are independent. Claim 21 has been canceled without prejudice or disclaimer to the subject matter included therein. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-11 and 13-17 under 35 U.S.C. §103(a) as being unpatentable over Westervelt (U.S. Patent Application Publication No. 2002/0073196) in view of Grube (USP6,885,874); rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Westervelt in view of Grube and further in view of Pendragon (White Paper, XP002393717); and rejected claims 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Westervelt in view of Grube and further in view of Fuccello (USP 7,092,369). Applicants respectfully traverse these rejections.

Applicants wish to thank the Examiner for indicating claims 19 and 21 include allowable subject matter.

By this amendment, Applicants have amended claims 1, 7, 8 and 11 to include the elements of allowable claim 21. Applicants have further amended claim 9 to recite a determination file storing unit storing ideal information. Applicants have further amended claim 9 to include the allowable features of claim 21.

Based on these amendments, Applicants respectfully submit that this application is now in proper form for allowance. Applicants respectfully request this application pass to issue.

Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____
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